

ORIGINAL

Page 1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----x
ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS
RECYCLINGDefendants.
07-CV-6372

-----x

150 East 42 Street
New York, New YorkDecember 4, 2007
10:25 a.m.

EXAMINATION BEFORE TRIAL of ADONNA
FROMETA, the Plaintiff in the above-entitled
action, taken by the Defendant, pursuant to
Order held at the above time and place,
before NANCY NASCA, a Notary Public within
and for the State of New York.

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Page 2

1
2 A P P E A R A N C E S:

3
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SP2699
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10 BY: STUART A. MILLER, ESQ.
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12 SAM9466
13 File # 01502.00009
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JAGUAR REPORTING
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Page 3

S T I P U L A T I O N S

7 IT IS HEREBY STIPULATED AND AGREED,
8 by and between the attorneys for the
9 respective parties herein, that the sealing
10 and filing of the within deposition be
11 waived.
12

13 IT IS FURTHER STIPULATED AND AGREED
14 that such deposition may be signed and sworn
15 to before any officer authorized to
16 administer an oath, with the same force and
17 effect as if signed and sworn before the
18 officer before whom said deposition is
19 taken.
20

21 IT IS FURTHER STIPULATED AND AGREED
22 that all objections, except as to the form,
23 are reserved to the time of the trial.
24
25

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Page 4

2 A D O N N A F R O M E T A, the Plaintiff
3 herein, having been first duly
4 sworn by a Notary Public of the
5 State of New York, was examined
6 and testified as follows:

7 EXAMINATION BY

8 MR. MILLER:

9 Q State your name for the record,
10 please.

11 A Adonna Frometa.

12 Q State your address for the record,
13 please.

14 A 666 East 233rd Street apartment 1A
15 Bronx, New York 10466.

16 Q My name is Stuart Miller. I am a
17 lawyer with Wilson, Elser. I represent Mario
18 Diaz-Diaz and All American Haulers
19 Recycling. I am going to ask you several
20 questions. I ask that you let me complete my
21 question before you give a response. I ask
22 that all your responses are verbal. There is
23 a stenographer to my left, she cannot take
24 down gestures or nods or waves. If you
25 don't understand a question I don't want you

JAGUAR REPORTING
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Page 5

FROMETA

1 to guess. Just let me know that you don't
2 understand the question or it does not make
3 sense, and I will re-ask the question. If
4 you answer a question I am going to assume
5 that you understood the question, is that
6 fair?

8 A Yes.

9 Q Have you ever been known by any
10 other name?

11 A Yes.

12 Q Can you tell me what name?

13 A Annie, my sister's name is Annie
14 and by brother's name is Annie. So, I
15 changed my name when got my citizenship.

16 Q How do you spell Annie?

17 A A- n- n- i- e.

18 Q When did you become a citizen?

19 A When I was 21, I don't remember.

20 Q When you say you became a citizen,
21 of the United States?

22 A Yes.

23 Q How long have you resided at 666
24 East 233rd Street?

25 A Since 2003.

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Page 6

FROMETA

1 Q Do you own or rent?

3 A I live with my mom.

4 Q What is your mother's name?

5 A Nydia.

6 Q Is Nydia her last name?

7 A Nydia is the first name. Fabian,
8 is her last name.

9 Q Does anyone else reside in the
10 residence with the two of you?

11 A Yes.

12 Q Who might that be?

13 A My sister.

14 Q What is her name?

15 A Annie.

16 Q Does anyone other than Annie and
17 your mother and yourself reside at that
18 residence?

19 A Yes, my nephew, Albert.

20 Q Anyone else?

21 A That's it.

22 Q How old is Albert?

23 A He is 14 and a half.

24 Q Is Annie your younger or older
25 sister?

JAGUAR REPORTING
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Page 7

FROMETA

1 A Younger sister.

3 Q How long has your mom resided at
4 that apartment?

5 A Maybe 10 years.

6 Q Prior to moving in with your
7 mother in 2003, where did you reside?

8 A I live also in Brooklyn with my
9 aunt.

10 Q Can you give me that address?

11 A 1752 East 9 Street, that's
12 Brooklyn, New York.

13 Q Is there an apartment number?

14 A I don't remember the number.

15 Q Is that on a certain floor?

16 A The second floor.

17 Q What is the zip code?

18 A I'm sorry, that's the third floor.
19 The zip code is 11205.

20 Q You said that you reside there as
21 well. Do you currently live between both
22 apartments?

23 A Not anymore in Brooklyn, with my
24 mom.

25 Q When is the last time you lived in

JAGUAR REPORTING
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Page 8

FROMETA

1 Brooklyn?

3 A Actually, since I lived with my
4 mom I also lived with another aunt, another
5 one I have. She was the one taking care of
6 me because too because my mom is not well to
7 take care of me and my sister is mentally,
8 mentally ill and cannot take care of me.
9 Since the accident I stay with my aunt on
10 433, sorry, 488 Myrtle Avenue.

11 Q Can you spell that?

12 A M- y- r- t- l- e Avenue, that's
13 Brooklyn, New York.

14 Q What is the zip code?

15 A 11205, the other one is -- I don't
16 remember the other zip code.

17 Q I zip code 11205, is that the one
18 for 488 Myrtle Avenue?

19 A Yes.

20 Q The prior address on East 9th
21 Street on the third floor, you do not recall
22 at this time that zip code, is that correct?

23 A Yes.

24 Q So the record is clear, what is
25 the name of your aunt that resides at 488

JAGUAR REPORTING
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Page 9

FROMETA

1 Myrtle Avenue?
 2 A Eva.
 3 Q What is her last name?
 4 A Sanchez.
 5 Q What is your aunt's name that
 6 rides at 1752 East 9th Street?
 7 A Gladys Medina.
 8 Q Is it fair to say that you
 9 currently reside at both apartments, the one
 10 on 666 East 233rd Street as well as 488
 11 Myrtle Avenue?
 12 A Yes, I spend sometime with my mom,
 13 two or three days a week. The rest I stay at
 14 448. So, I spends two or three or four days
 15 there and around also three or four days
 16 with my mom.
 17 Q Are there any other addresses you
 18 spend your time?
 19 A No.
 20 Q Are you married?
 21 A I was married.
 22 Q Are you currently married?
 23 A No.
 24 Q When did you get divorced?
 25

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Page 10

FROMETA

1 A I think I was 21.
 2 Q What is your date of birth?
 3 A 3/25/68.
 4 Q Is it fair to say you got divorced
 5 over 5 years ago?
 6 MR. PLATTA: Sorry?
 7 MR. MILLER: Is it fair to
 8 say that she got divorced over 5
 9 years ago. Off the record.
 10 (Whereupon, a discussion
 11 was held off the record.)
 12 Q Have you been divorced over 5
 13 years?
 14 A Yes.
 15 Q Do you still see your ex-husband?
 16 A No.
 17 Q Other than your sibling Annie,
 18 your sister Annie, you said you have a
 19 brother named Annie. Do you have any other
 20 siblings named Annie?
 21 A Now that you mention it, when I
 22 got married I learned that he had a son
 23 named Annie, and a girl named Annie, and a
 24 dog named Annie, and that is why I changed
 25

JAGUAR REPORTING
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Page 11

FROMETA

1 my name.
 2 Q Where were you born?
 3 A I was born in Dominican Republic.
 4 Q When did you move to the United
 5 States?
 6 A In 1978, around September.
 7 Q Did you pursue citizenship at the
 8 age of 21?
 9 A Yes.
 10 Q Do you own a car currently?
 11 A Yes.
 12 Q Can you tell me what type of car
 13 you own?
 14 A Toyota Ford Runner, 2001.
 15 Q Did you own this Toyota Ford
 16 Runner on February 14, 2007?
 17 A Yes, sir.
 18 Q Back in the year of 2007, prior to
 19 February 14th, where did you park this
 20 vehicle on a regular basis?
 21 MR. PLATTA: Do you mean
 22 in the city, home?
 23 MR. MILLER: I want to
 24 find out. Strike that.
 25

JAGUAR REPORTING
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Page 12

FROMETA

1 Q In the evening when you came home,
 2 when you are staying at the location of 666
 3 East 233rd Street, where did you keep your
 4 vehicle?
 5 A On the street, maybe a block or
 6 two, wherever I find parking.
 7 Q Street parking?
 8 A Yes.
 9 Q Did you also find street parking
 10 when you would spend time at 1752 East 9th
 11 Street?
 12 A Yes, sir.
 13 Q Would you also find street parking
 14 when you spend time at 488 Myrtle Avenue?
 15 A Yes.
 16 Q Did you ever have monthly garage
 17 parking?
 18 A Not I that remember, no.
 19 Q Were you employed in 2007?
 20 A Yes.
 21 Q What was your occupation?
 22 MR. PLATTA: Over
 23 objection. You can answer.
 24 A Independent contractor.
 25

JAGUAR REPORTING
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Page 13

FROMETA

Q What kind of work did you do as an independent contractor?

MR. PLATTA: Over objection. You can answer.

A I waitress and sometimes I would dance.

Q Where would you waitress?

A Rick's.

MR. PLATTA: Objection.

Q Where is Rick's located?

A 33rd Street between Broadway and Fifth.

Q Is Rick the owner or is that the name of the establishment?

MR. PLATTA: Objection. You can answer, if you know.

A That's the name of the place.

Q Where did you dance?

MR. PLATTA: Objection. You can answer.

A At Rick's.

Q Is Rick's an adult establishment?

MR. PLATTA: Objection. You can answer.

JAGUAR REPORTING
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Page 14

FROMETA

A Yes.

Q Were you a topless dancer?

MR. PLATTA: Objection. You can answer.

A Yes.

Q Do you currently dance at Rick's?

A No.

Q Do you currently dance anywhere?

A No.

Q When is the last time you danced?

MR. PLATTA: Objection.

You can answer.

A Probably three weeks after the accident, up until maybe four. But just no longer than 5 hours, due to pains and aches.

MR. MILLER: I move to strike the portions of the testimony that are not responsive.

WITNESS: Sorry, what is that?

MR. PLATTA: The objection is just for the record.

Q When is the last time you waitressed?

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Page 15

FROMETA

A Just three weeks after the accident?

Q Have you been employed in any capacity in terms of work or payments at any time, since the time you stopped dancing or waitressing at Rick's?

A Repeat that.

Q I will ask it a different way. You testified that you stopped waitressing and dancing three or four weeks after the accident. After working at Rick's have you done any other work since that time?

A No, sir.

Q Have you earned any income since that time?

A I did work for a private jet, for Excel Air as a private flight attendant. I finally got called. That is why I was dancing in the mean time, until I got called.

MR. PLATTA: Answer without volunteering information.

Q Currently do you work for Excel Air?

JAGUAR REPORTING
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Page 16

FROMETA

A No.

Q When is the last time you worked for Excel Air?

A Just two weeks after the accident.

Q How long did that last?

A They are still waiting for me.

They want me to finish my surgery. I am not working for them now but they are waiting for me.

Q So I understand, this incident that brought you here today for this lawsuit occurred in February, February 14th 2007?

A Yes.

Q You testified that following this incident of February 14, 2007 you waitressed for three or four weeks at Rick's, and you stopped waitressing?

A Yes.

Q You also testified you worked for three or four weeks following the February 14th incident as a topless dancer at Rick's, and you stopped dancing there?

MR. PLATTA: Objection.

Over objection you can answer.

JAGUAR REPORTING
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Page 17

FROMETA

1 A Yes.
 2 Q Two weeks after the February 14th
 3 2007 accident you were a private flight
 4 attendant for Excel Air?
 5 A Yes.
 6 Q How many flights did you do at
 7 Excel Air, since the February 14th 2007
 8 incident?
 9 A No more than ten flights.
 10 Q Those flights are in a matter of
 11 two weeks or a month?
 12 A Just two weeks.
 13 Q Other than waitressing and topless
 14 dancing and being a flight attendant, is
 15 there any other post February 14, 2007
 16 employment that you have had?
 17 A No.
 18 Q What time did this incident happen
 19 on February 14, 2007?
 20 A I don't remember the time but I
 21 remember I left work at 4:00 o'clock, that's
 22 the time they close. It happened, I know
 23 when I open my eyes, it was time missing
 24 from when I open my eyes. From the accident
 25

JAGUAR REPORTING
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Page 18

FROMETA

1 there was time missing because I blacked
 2 out.
 3 MR. MILLER: I move to
 4 strike the portions of the testimony
 5 that are not responsive.
 6 MR. PLATTA: Answer the
 7 question yes or no.
 8 Q Do you know what time the incident
 9 occurred?
 10 MR. PLATTA: You can
 11 approximate.
 12 A I don't remember.
 13 Q Were you working at Rick's the
 14 night before the incident, February 13th
 15 going into February 14th?
 16 MR. PLATTA: Objection. You
 17 can answer.
 18 A Yes, sir.
 19 MR. MILLER: What is the
 20 reason for the objection?
 21 MR. PLATTA: This is
 22 prejudicial. I am just preserving my
 23 objection.
 24 MR. MILLER: I am trying to
 25

JAGUAR REPORTING
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Page 19

FROMETA

1 locate where the plaintiff was at the time
 2 of the incident, where she was going to and
 3 where she was coming from. What type of day
 4 she had, if it was long or short or if she
 5 had an aggravating day. The line of
 6 questioning is not privileged or
 7 prejudicial.
 8 Q What time did you show up to
 9 Rick's on February 13th 2007?
 10 MR. PLATTA: Objection.
 11 Over objection you can answer.
 12 A I don't remember, but around 9:00
 13 o'clock.
 14 Q Is Rick's the full name of the
 15 establishment?
 16 MR. PLATTA: Objection.
 17 Over objection you can answer.
 18 A Cabaret Gentlemen's Club.
 19 Q You just testified that you
 20 started work at Rick's Cabaret Gentlemen's
 21 Club at 9:00, is that a.m. or p.m?
 22 MR. PLATTA: Objection.
 23 A P.m.
 24 Q Did you show up to Rick's Cabaret
 25

JAGUAR REPORTING
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Page 20

FROMETA

1 Gentlemen's Club to waitress or dance for
 2 patrons, or something else?
 3 MR. PLATTA: Objection.
 4 A Dancing.
 5 Q Did you dance at Rick's Cabaret
 6 Gentlemen's Club on February 13, 2007 when
 7 you arrived, the 13th going into the 14th?
 8 MR. PLATTA: Objection.
 9 A Yes.
 10 Q This is as a topless dancer?
 11 MR. PLATTA: Objection.
 12 A Yes.
 13 Q Did you dance the entire shift at
 14 Rick's Cabaret Gentlemen's Club, until the
 15 time it closed on February 14th 2007?
 16 MR. PLATTA: Objection.
 17 A Yes.
 18 MR. PLATTA: I ask that
 19 you wait until I make my objection.
 20 Q Did you have any alcohol to drink
 21 on February 13th going into February 14th
 22 2007, during your shift at Rick's Cabaret
 23 Gentlemen's Club?
 24 A I don't remember.
 25

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Page 21

FROMETA

1
2 Q Is it customary for customers to
3 purchase drinks for you while you are
4 working as a topless dancer at Rick's
5 Cabaret Gentlemen's Club?

6 A Yes.

7 MR. PLATTA: Objection.

8 Q Would there be any records at
9 Rick's Cabaret Gentlemen's Club as to drinks
10 that were purchased by patrons for you, in
11 the regular course of business?

12 MR. PLATTA: Objection.

13 A Yes.

14 Q Does management of Rick's Cabaret
15 Gentlemen's Club encourage dancers to get
16 patrons to purchase drinks for them?

17 MR. PLATTA: Objection.

18 Q As a topless dancer for Rick's
19 Cabaret Gentlemen's Club, are you encouraged
20 by management of Rick's to have customers
21 buy drinks for you?

22 MR. PLATTA: Objection.

23 A No.

24 Q Does management record how many
25 drinks are purchased on your behalf?

JAGUAR REPORTING
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Page 22

FROMETA

1
2 MR. PLATTA: Objection. You
3 can answer.

4 A No.

5 Q Do you remember who the bartender
6 was on February 13th going into February
7 14th 2007?

8 A No.

9 Q Do you recall who the cocktail
10 waitresses were on February 13th going into
11 February 14th 2007, at Rick's Cabaret
12 Gentlemen's Club?

13 MR. PLATTA: Objection.

14 You can answer.

15 A No.

16 Q So the record is clear, I am going
17 to ask the question again. I want to pin
18 point on the 13th or 14th or both.

19 Ma'am, on that shift, February
20 13th going into February 14th, did you drink
21 any alcohol?

22 MR. PLATTA: Objection.

23 Asked and answered.

24 A No.

25 Q No or you don't know?

JAGUAR REPORTING
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Page 23

FROMETA

1
2 A I don't remember.

3 Q Your vehicle, the Toyota Ford
4 Runner, was that an automatic or stick
5 shift?

6 A Automatic.

7 Q Where did you park your vehicle on
8 February 14th 2007?

9 A Are you saying when I went to work
10 or after?

11 Q I will ask the question again.
12 When you arrived to work at Rick's Cabaret
13 Gentlemen's Club on February 13th 2007, did
14 you park your vehicle on the street?

15 A Yes.

16 Q Can you tell me what street you
17 parked your vehicle on?

18 A 33rd Street, between Broadway and
19 Fifth.

20 Q 33rd between Broadway and?

21 A Fifth.

22 Q When you finished your shift on
23 February 14th 2007 at Rick's Cabaret
24 Gentlemen's Club, where was your vehicle
25 parked?

JAGUAR REPORTING
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Page 24

FROMETA

1
2 A Almost across the street from
3 Rick's.

4 Q Did someone move it?

5 A No.

6 Q The vehicle was at the same
7 location that you parked it when you first
8 arrived at Rick's on February 13th 2007?

9 A Yes.

10 Q What side of the street was it
11 parked on?

12 A Sorry.

13 Q What side of the street was it
14 parked on?

15 A The north side.

16 Q Was that on the same side as
17 Rick's Cabaret Gentlemen's Club?

18 MR. PLATTA: Objection.

19 A No, Rick's is on the south side.

20 Q Was this directly across the
21 street from Rick's Cabaret Gentlemen's Club?

22 A Not really, maybe -- not really,
23 a little bit closer to Broadway.

24 Q Were there meters?

25 A I don't remember.

JAGUAR REPORTING
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Page 25

FROMETA

1
2 Q How long had you danced or
3 waitressed at Rick's Cabaret Gentlemen's
4 Club, prior to February 13th 2007?
5 MR. PLATTA: Objection.
6 A Can you repeat that again?
7 Q Prior to this incident how long
8 had you been dancing or waitressing at
9 Rick's Cabaret Gentlemen's Club?
10 MR. PLATTA: Over
11 objection.
12 A Maybe about three or four months.
13 Q You parked there each day that you
14 worked?
15 A Yes, maybe a little bit somewhere
16 between another block going east on 33rd
17 Street, but going more east.
18 Q Did you take any passengers in
19 your vehicle when you left Rick's Cabaret
20 Gentlemen's Club, on February 14th 2007?
21 A No, sir.
22 Q You were alone at the time?
23 A Yes, sir.
24 Q The establishment closed at 4:00
25 p.m?

JAGUAR REPORTING
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Page 26

FROMETA

1
2 A Sorry?
3 Q The establishment closed at 4:00
4 p.m?
5 A A.m.
6 Q The establishment closed at 4:00
7 a.m?
8 A Yes.
9 Q To your recollection and your
10 testimony today you worked until the
11 establishment closed?
12 A Until 4:00 o'clock.
13 Q After the established closed did
14 you spend any time there or did you
15 immediately leave?
16 A I immediately leave.
17 Q Do you remember what the weather
18 was like on February 14th 2007?
19 A The worse ever, it was ice, snow,
20 and rain, and windy.
21 Q Can you describe what the snow
22 levels were on the ground, was it 1 inch, 2
23 inches, 5 inches, or something else?
24 A I don't recall.
25 Q At the time was heavy snowfall

JAGUAR REPORTING
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Page 27

FROMETA

1
2 precipitation going on?
3 A Fair.
4 Q Did you have to clean off your
5 car?
6 A I did.
7 Q How did you clean it off?
8 A With the thing that I have inside
9 to clean the car all over so I don't get a
10 ticket, whatever that is, a brush.
11 Q A car brush?
12 A Yes.
13 Q Can you tell me the route you took
14 when you left Rick's Cabaret Gentlemen's
15 Club, leading up to this incident?
16 A Yes. I went, I got in the car and
17 put the blinker. I am on 33rd Street. I
18 made sure it was safe to proceed on 33rd
19 Street onto Broadway. On Broadway I put my
20 blinker. I made a left turn going south,
21 and while I am on Broadway I made a turn on
22 Broadway slight, going to fork there. I
23 don't know how to say that, going into Fifth
24 Avenue. On Fifth Avenue I made another left
25 turn going into 23rd Street. There is a red

JAGUAR REPORTING
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Page 28

FROMETA

1
2 light there. I put the blinker going to
3 23rd Street, I turn. I was on the middle
4 lane, the middle lane of 23rd Street. There
5 is Madison Avenue, there is a red light
6 there. I was there for about 20 seconds, 30
7 seconds. I proceeded in the middle lane. I
8 was going 15 or 20 miles an hour. I noticed
9 when I was going in the middle lane of 23rd
10 Street, I was passing already Madison. I
11 notice a dark color garbage truck, two guys
12 putting garbage there. I proceeded going
13 there in the middle lane. It was no more
14 cars, at least I remember. Then I saw it
15 was Park Avenue South, and it is safe to
16 keep going, it was a green light. I am
17 still in the middle lane. After Park Avenue
18 South there is a while, I was going between
19 Park Avenue South, and before Lexington I am
20 in the middle of the block, in the middle
21 lane. I recall a car that was double-parked
22 ahead of me. I was half a block away. I
23 recall the car double-parked and I looked in
24 the mirror and put my blinker. I recall it
25 was safe to move to the left. I proceeded

JAGUAR REPORTING
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Page 29

FROMETA

1 slowly, at the time this light changed into
2 red, and I stopped there for about 5
3 seconds. Then suddenly within 5 seconds
4 standing there I just remember everything
5 happened too quickly. I heard a loud noise
6 and a big light was inside the car, I don't
7 know why. I got hit, I wanted to look back
8 to see what hit me extremely too hard. It
9 was so hard I am not able to turn, and it
10 hit me again. I black out. I remember
11 nothing else.

MR. MILLER: I move to

13 strike the entire answer as not responsive.

MR. PLATTA: Can you read

15 back the question?

(The requested question was

17 read back by the reporter.)

MR. PLATTA: I believe it

19 was responsive. The route she took and
20 events that happened that night.

MR. MILLER: For the

22 record, if counsel is going to give a
23 position whether or not something is
24 accurate or not then submit himself as a
25

JAGUAR REPORTING
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Page 30

FROMETA

2 witness, unless he was present. I don't
3 believe counsel was present that night and
4 can't state what is accurate.

MR. PLATTA: I don't think

6 my credibility or veracity is at issue here.

MR. MILLER: Counsel is

8 constantly stating his position on the
9 statements provided by his witness. I
10 submit that he produce himself at a
11 deposition.

MR. PLATTA: Taken under

13 advisement. Following-up in writing.

14 Q Ma'am, had the accident not
15 occurred where did you intend to go?

16 A Sorry?

17 Q Had the incident not occurred
18 where were you planing on driving to?

19 A To my aunt in Brooklyn because she
20 lives closer than my mom.

21 Q Which aunt, Eva or Gladys?

22 A Eva.

23 Q What were the weather conditions
24 like on February 13th when you arrived to
25 work at Rick's Cabaret Gentlemen's Club?

JAGUAR REPORTING
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Page 31

FROMETA

1 A I don't recall.

3 Q Was it snowing?

4 A A little bit, but I don't remember
5 too heavy. I don't remember. I don't
6 recall.

7 Q Ma'am, you testified that you
8 don't recall and you testified it was
9 snowing.

10 A I left home it was clear. I was
11 watching the news and it said it was going
12 to be bad. I knew it was going to be bad but
13 not until morning. When I got to work it was
14 snowing, but light.

MR. MILLER: I move to

16 strike as not responsive.

17 Q Everything I ask you about is your
18 recollection, not your recollection whether
19 you watched the news cast.

20 My question is, do you recall what
21 the weather was like when you arrived at
22 work?

23 A No.

MR. PLATTA: Objection.

25 She already testified that is was slightly

JAGUAR REPORTING
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Page 32

FROMETA

2 snowing.

MR. MILLER: That is what I

4 am trying to get at. She first testified
5 she does not recall. Then she testified it
6 was slightly snowing, that's a
7 contradiction.

MR. PLATTA: That is not a

9 contradiction. Was it slightly snowing?

WITNESS: It was slightly

11 snowing.

12 Q You recall that it was slightly
13 snowing?

14 A Yes.

15 Q Do you recall how long it was
16 slightly snowing, prior to your arrival at
17 Rick's Cabaret Gentlemen's Club?

18 A No.

19 Q Where were you coming from when
20 you went to work that day?

21 A From my mother's.

22 Q Was it snowing when you left your
23 mother's apartment?

24 A No.

25 Q But it was slightly snowing when

JAGUAR REPORTING
(718) 858-7700

Page 33

FROMETA

2 you arrived at Rick's Cabaret Gentlemen's
3 Club?

4 A Yes.

5 Q Sometime between leaving 666 East
6 233rd Street and arriving at Rick's Cabaret
7 Gentlemen's Club on 33rd near Broadway, the
8 snow had began?

9 A Yes.

10 MR. PLATTA: Off the
11 record.

12 (Whereupon, a discussion
13 was held off the record.)

14 MR. MILLER: Do you want to
15 take a break?

16 MR. PLATTA: I have a 2:00
17 o'clock with an interpreter scheduled.

18 MR. PLATTA: Fine.

19 (Whereupon, a brief recess
20 was taken.)

21 MR. PLATTA: I made a
22 statement and advised counsel I will make an
23 objection with regard to every time the name
24 Rick's Cabaret Gentlemen's Club was used. I
25 move to strike this portion of the record

JAGUAR REPORTING
(718) 858-7700

Page 34

FROMETA

2 each time the name is used. I feel it is
3 prejudicial to my client. I will raise the
4 objection each the name is used, including
5 preserving my right at the time of trial.

6 MR. MILLER: Your
7 objection is noted.

8 Q Was it your intention when you
9 left Rick's Cabaret Gentlemen's Club to go
10 to your aunt Eva's house directly, or were
11 you going to stop somewhere?

12 A Directly, yes.

13 Q Ma'am, you testified that you were
14 at a red light prior to impact, is that
15 correct?

16 A Yes.

17 Q You were at a red light on 23rd
18 Street facing Lexington?

19 A East, facing east, on 23rd.

20 Q Facing east as if you are going to
21 cross Lexington?

22 A Yes.

23 Q Or turn right on Lexington?

24 A No, going to keep straight on
25 Lexington.

JAGUAR REPORTING
(718) 858-7700

Page 35

FROMETA

2 Q Had you not been in an incident,
3 can you tell me where you would have begun
4 the route that you would have taken?

5 A The same route, was the safe one
6 that I take, the safest.

7 Q Which route would that be?

8 A 23rd Street.

9 Q To where?

10 A To the West Side Highway.

11 Q You were east on 23d Street going
12 to the West Side Highway?

13 MR. PLATTA: Do you
14 understand what he is asking? Off the
15 record.

16 (Whereupon, a discussion was
17 held off the record.)

18 A Sorry. I was going east to my
19 aunt's. I have to go over the Brooklyn
20 Bridge, that would be the FDR.

21 MR. PLATTA: I want to
22 clarify which way she was going to take
23 after 23rd Street.

24 MR. MILLER: Would you
25 rather just testify for her?

JAGUAR REPORTING
(718) 858-7700

Page 36

FROMETA

2 MR. PLATTA: No, I want to
3 clarify the record. Do you want her to
4 clarify that?

5 WITNESS: Yes, I am on 23rd
6 Street going east to the FDR.

7 Q Which direction of the FDR would
8 you have headed, if this incident had not
9 occurred?

10 A Towards the Brooklyn Bridge.

11 Q Would that be north or south on
12 the FDR?

13 A That would be south.

14 Q Do you recognize the phone number
15 718 881-3716?

16 A Yes.

17 Q Whose number is that?

18 A That's my mom.

19 Q Do you know whether your mother
20 was called after this incident?

21 A I called her.

22 Q Did you ever lose consciousness
23 after your vehicle was struck?

24 A Yes, I did, for a few minutes.

25 Q Did the police arrive at the

JAGUAR REPORTING
(718) 858-7700

Page 37

FROMETA

1 scene?

2 A Not right away, maybe after I

3 called 911. When I woke up I didn't realize

4 where I was. I was shaking. I didn't know

5 where I was.

6 Q Did you speak to the driver of the

7 other vehicle?

8 A That's what woke me up, there was

9 someone knocking. I thought I was at home

10 and someone was knocking at the door when I

11 was sleeping. I woke up and realized

12 something happened. He was saying, "hello,

13 hello." I got scared. At that point I put

14 the window down. I am shaking, my whole

15 body was shaking uncontrollably. My neck was

16 stiff, my back hurt, my neck hurt. I felt

17 --

18 Q I am going to cut you off. Just

19 answer the question.

20 MR. MILLER: I move to

21 strike the entire portion of the

22 answer as not responsive. Can you read

23 back the question?

24 (The requested question

25

JAGUAR REPORTING
(718) 858-7700

Page 38

FROMETA

1 was read back by the reporter.)

2 Q The question I asked is if you

3 spoke to the driver of other vehicle, not

4 how you felt, not if you felt stiff. I am

5 not asking about pain or blacking out. All

6 I am asking you, did you speak to the driver

7 of the other vehicle?

8 MR. PLATTA: The other

9 vehicle, the one that hit her.

10 MR. MILLER: Would you

11 like to testify? I am talking about

12 the vehicle in fact according to the

13 testimony of your witness.

14 A I don't know if it was the other

15 guy from the other vehicle. There was a man

16 standing on my door knocking. I don't know

17 who it was.

18 Q Did you ever come to learn the

19 identity of the man?

20 A No.

21 Q Was it more than one man?

22 A I don't know.

23 Q Was it at least one?

24 A One by the door, yes.

25

JAGUAR REPORTING
(718) 858-7700

Page 39

FROMETA

1 Q What did he look like?

2 A Kind of short, that's it.

3 Q Was he Spanish, was he White,

4 Black, Asian?

5 A He told me he was Dominican,

6 that's all he told me. That's all I

7 remember.

8 Q Did you speak to him in English?

9 A He spoke to me in Spanish, maybe

10 both languages. I don't remember.

11 Q From the time that you came to

12 talk with him, until the time the police

13 arrived, can you tell me how much time

14 elapsed?

15 A Maybe 10 minutes.

16 Q Did you get out of your vehicle,

17 prior to the police arriving?

18 A No, sir.

19 Q Did an ambulance arrive?

20 A Sorry.

21 Q Did an ambulance arrive?

22 A Yes.

23 Q Did the ambulance arrive before or

24 after the police, or at the same time?

25

JAGUAR REPORTING
(718) 858-7700

Page 40

FROMETA

1 A Almost the same time, one behind

2 the other one.

3 Q Who assisted you out of the

4 vehicle, if anyone?

5 A Two ladies.

6 Q What two ladies?

7 A I don't know who they were.

8 MR. PLATTA: Were they

9 working for the ambulance?

10 WITNESS: They were working

11 for the ambulance, yes.

12 Q Did you get their identities?

13 A No.

14 Q Do you know of any eyewitness to

15 this incident?

16 A No.

17 Q This vehicle that struck you, you

18 testified struck you in the rear. Is this

19 the same vehicle that you passed on 23rd

20 Street when you were passing Madison?

21 A No, I don't know. I don't know.

22 Q Can you describe the vehicle that

23 struck you?

24 A I don't know because when I

25

JAGUAR REPORTING
(718) 858-7700

Page 41

FROMETA

1 stepped out the two ladies were holding me.
2 I looked and it was a dark big truck, that's
3 what I remember. Then they put me inside the
4 ambulance and they strapped me.
5
6 Q Were you taken to a hospital?
7 A Yes.
8 Q What hospital were you taken to?
9 A Cabrini, on 19th Street.
10 Q Were you taken into the emergency
11 room?
12 A Yes, sir.
13 Q Do you know what time you arrived
14 at Cabrini?
15 A I don't remember.
16 Q Do you recall what type of
17 diagnostic testing they did on you in the
18 emergency room?
19 A They did a CAT Scan.
20 Q Other than a CAT Scan, do you know
21 if any diagnostic images or films were done
22 to any part of your body?
23 A No, I don't remember.
24 Q Were you admitted into the
25 hospital?

JAGUAR REPORTING
(718) 858-7700

Page 42

FROMETA

1 A Admitted means?
2 Q Were you sent home from the
3 emergency room or were you admitted as an
4 inpatient in the hospital, at Cabrini?
5 A I don't understand the question.
6 Q Were you given a room as an
7 inpatient at Cabrini?
8 A No.
9 Q Did you go home on February 14th?
10 A Yes.
11 Q Where did you go, which home did
12 you go to?
13 A To my aunt, the one closer, over
14 the Brooklyn Bridge.
15 Q What time did you go home, this is
16 February 14th, from the hospital?
17 A I don't remember. I know I was in
18 the hospital. I don't remember what time.
19 Q Immediately following the impact
20 did you call anybody?
21 A Not immediately. The impact, when
22 I came out of the blackout the first thing I
23 did was call 911.
24 Q After you called 911 did you call
25

JAGUAR REPORTING
(718) 858-7700

Page 43

FROMETA

1 anybody else?
2 A I called my aunt, she didn't pick
3 up. Then I called my mom, she did pick up,
4 my mom.
5 Q After you called your mother did
6 you call anyone else?
7 A No, I kept trying to make a phone
8 call but my phone was already damaged. It
9 was damaged from water and stuff going in
10 it. It was not working.
11 Q The damage from water, was that
12 water as a result of this incident?
13 A No, from coffee.
14 Q Did you call anyone from Rick's
15 Cabaret Gentlemen's Club, following the
16 incident?
17 MR. PLATTA: Objection.
18 A I don't remember. I don't carry a
19 cell phone in the club.
20 Q Did you call anyone in Rick's
21 Cabaret Gentlemen's Club advising them of
22 the accident?
23 MR. PLATTA: Objection.
24 A Yes, not the same day, maybe three
25

JAGUAR REPORTING
(718) 858-7700

Page 44

FROMETA

1 or four days later.
2 Q Who did you speak to at Rick's
3 Cabaret Gentlemen's Club?
4 MR. PLATTA: Objection.
5 MR. MILLER: You noted your
6 standing objection. Just let her answer the
7 question. Let's move on.
8 MR. PLATTA: I note my
9 objection to every time you use the words
10 Rick's Cabaret Gentlemen's Club.
11 MR. MILLER: I am happy to
12 note that you have a standing objection to
13 it.
14 MR. PLATTA: Would you
15 stipulate to that?
16 MR. MILLER: I stipulate
17 that you have an objection. Not that it is
18 prejudicial to your client.
19 MR. PLATTA: Correct.
20 Q Ma'am, who did you speak with at
21 Rick's Cabaret Gentlemen's Club?
22 A I don't remember.
23 Q Do you recall who the manager of
24 Rick's Cabaret Gentlemen's Club was?
25

JAGUAR REPORTING
(718) 858-7700

Page 45

FROMETA

1
2 A No, I don't remember.
3 Q Why did you call them?
4 A To tell them that I am not coming
5 to work, that something happened.
6 Q How did you get home from the
7 hospital on February 14th?
8 A I took a taxi.
9 Q Did anyone accompany you?
10 A No, I felt dazed and confused.
11 Q Did anyone come to see you at the
12 hospital?
13 A No.
14 Q Do you know what time you left
15 Cabrini's emergency room?
16 A Any time after 12:00.
17 Q 12:00 noon?
18 A I think, I don't remember.
19 Q Do you recall what diagnoses they
20 told you had, following your examination in
21 the emergency room?
22 A I am sorry. What was that?
23 Forgive me, my neck hurts. I have to lean
24 back.
25 MR. MILLER: I move to

JAGUAR REPORTING
(718) 858-7700

Page 46

FROMETA

1 strike the colloquy.
2 Q Did they tell you that you were
3 injured, in the emergency room?
4 A Yes.
5 Q What did they tell you was
6 injured?
7 A My neck, lower back, and they
8 could see in the CAT Scan that my spinal
9 cord was not in the middle but it was off,
10 that I would have to come up for follow-up.
11 Q Did they discharge you out of the
12 emergency room after telling you that
13 information?
14 A From after, I don't know. The
15 emergency room CAT Scan, go back to the
16 emergency room, then I went home.
17 Q Did they send you home in a neck
18 or back brace or any type of medical device?
19 A No. I don't remember, no.
20 Q When was the next time you sort
21 medical treatment after you left Cabrini
22 Medical Center?
23 A Probably nine days after the
24 accident.
25

JAGUAR REPORTING
(718) 858-7700

Page 47

FROMETA

1 Nine days?
2 A Nine days after the accident.
3 Q Were you wearing a seat belt?
4 A Yes.
5 Q Nine days after the accident when
6 you sort follow-up medical treatment, where
7 did you go?
8 A Sorry?
9 Q Where did you go following the
10 nine day span, after your incident?
11 A I went for treatment. I went to
12 43rd Street, Dr. Albert Villafuerte.
13 Q What kind of doctor is Dr.
14 Villafuerte?
15 A Can I look in my purse to show
16 you, I have a business card?
17 Q Sure, with your counsel's
18 permission.
19 MR. PLATTA: I prefer that
20 you testify from your memory.
21 A Neurologist, neck and back.
22 Q How long did you go to Dr.
23 Villafuerte?
24 A I was going there for five weeks.
25

JAGUAR REPORTING
(718) 858-7700

Page 48

FROMETA

1 Q Who referred you to Dr.
2 Villafuerte?
3 A My aunt.
4 Q Have you ever seen Dr.
5 Villafuerte, prior to the February 14th
6 incident?
7 A No, sir.
8 MR. MILLER: I am going to
9 ask on the record, I am going to make a
10 demand that medical authorizations be
11 provided for copies of medical records from
12 Dr. Villafuerte be provided, a neurologist.
13 None was part of the 26A rules discloser.
14 His name and information has oddly been left
15 off.
16 MR. PLATTA: For the
17 record, medical PC authorizations was
18 provided with plaintiff's response, Midtown
19 Medical Practice.
20 MR. MILLER: I stand
21 corrected.
22 Q Where was his address located?
23 A 43rd Street, I think between
24 Madison or Park, something like that.
25

JAGUAR REPORTING
(718) 858-7700

Page 49

FROMETA

Q You had no medical treatment from February 14th until nine days later when you saw Dr. Villafuerte?

A What was the question?

MR. PLATTA: Objection.

Asked and answered.

A No, I didn't have any treatment.

Q You testified earlier that you continued to waitress and dance at Rick's Cabaret Gentlemen's Club for three to four weeks after the loss?

A Only about 4 or 5 hours, I had to go home.

MR. PLATTA: Objection.

Asked and answered.

Q Did you dance seven days a week?

MR. PLATTA: Over

objection.

A No, five days a week.

Q Did you dance on February 15th 2007?

A No, I was stiff at home.

Q Do you know the first day you went back to dancing?

JAGUAR REPORTING
(718) 858-7700

Page 50

FROMETA

MR. PLATTA: Objection.

A Probably a week or two weeks after. I was between flying and dancing, but it was light.

Q You testified earlier you danced three or four weeks after the accident. Now you testified a week or two later.

A Because it's free-lancing, I can go when I want. Not whenever, once I am there I have to go 8 hours and leave. I can go one day a week, I free-lance.

Q Do you keep any records of the days that you danced?

A No.

Q Did you sign anything or punch in when you arrived at Rick's Cabaret Gentlemen's Club?

A No.

Q Do you have any records when you flew for Excel Air during the time, after this incident?

A No.

Q Do you know the address for Excel Air?

JAGUAR REPORTING
(718) 858-7700

Page 51

FROMETA

A No, it's in Long Island.

Q Do you have anything at home that has the address and contact information?

A I don't think so, no.

Q How are you compensated by Excel Air?

A Check.

Q Do you maintain any check stubs?

MR. PLATTA: Objection.

You can answer.

A Probably there, I probably have something.

MR. MILLER: I ask that you provide counsel a copy of your Excel Air paycheck for the purpose of obtaining the address and proper corporate identity. I also ask for authorizations for the records, for the purpose of not lost earnings, for the purpose of her schedule and when she might have worked.

MR. PLATTA: I agree to provide attendance records regarding her employment. However, any records regarding wages will not be provided.

JAGUAR REPORTING
(718) 858-7700

Page 52

FROMETA

MR. MILLER: Fair enough.

MR. PLATTA: I ask that you follow-up in writing.

MR. MILLER: Sure.

Q What did Dr. Villafuerte tell you after his initial examination, approximately nine days after this incident?

A He said according to that I will keep treatment for five weeks. He cannot tell anything yet for another two months what is going to happen, only until he receives the MRI.

Q Did he send you for an MRI?

A Yes.

Q Where did he send you?

A 77th Street, 77th or 75th Street and Third Avenue.

Q Would that be Stand Up MRI Of Manhattan?

A Yes.

Q How often would you go to Dr. Villafuerte?

A I was there for five weeks then he would give me a appointment maybe four

JAGUAR REPORTING
(718) 858-7700

Page 53

FROMETA

1 times.
 2
 3 Q Approximately once a week for
 4 four, five weeks?
 5 A About once a week I have to say.
 6 Q Did he refer you to any other
 7 doctors?
 8 A Yes.
 9 Q Who did he refer to you?
 10 A He referred me to Dr. Kaisman.
 11 Q Is that Arden Kaisman at 51 East
 12 25th Street?
 13 A Yes.
 14 Q What kind of doctor is Dr.
 15 Kaisman?
 16 A Neck doctor, back.
 17 Q What did Dr. Kaisman do for you?
 18 A He didn't. I got scared about the
 19 needle and I ran out. I was laying down, I
 20 saw the needle and just ran out. I could not
 21 do it.
 22 Q How often did you see Dr. Kaisman?
 23 A Twice.
 24 Q What did he do for you during this
 25 time?

JAGUAR REPORTING
(718) 858-7700

Page 54

FROMETA

1 A He told me what he was going to
 2 do. He read the paper and he saw the MRI
 3 and then the neck stuff, and he told me what
 4 he was going to do. He wanted to do
 5 compression, first injection to kill the
 6 pain in my neck. Then if at that point does
 7 not go away he will have to do compression
 8 of the disc which was giving a problem.
 9 Q Did you see Dr. Kaisman during the
 10 same time you saw Dr. Villatuerte, or a
 11 different time?
 12 A At the same time.
 13 Q Did Dr. Villafuerte or Dr. Kaisman
 14 refer you to any other healthcare providers?
 15 A Sorry?
 16 Q Did Dr. Villafuerte or Dr. Kaisman
 17 refer you to any other doctors or healthcare
 18 providers?
 19 A Dr. Kaisman referred me to Dr.
 20 Babo for the lower back lumbar spinal cord
 21 injuries.
 22 Q Is that Dr. Ramesh Babo?
 23 A Yes.
 24 Q At 530 First Avenue?
 25

JAGUAR REPORTING
(718) 858-7700

Page 55

FROMETA

1 A Yes.
 2 Q Did you see Dr. Babo during the
 3 same time you saw Dr. Kaisman?
 4 A No.
 5 Q Were you seeing him another time?
 6 A I didn't see Dr. Kaisman anymore.
 7 I didn't want to see him.
 8 Q You went to Dr. Babo at the
 9 referral of Dr. Kaisman?
 10 A Yes.
 11 Q How often did you see Dr. Babo?
 12 A Three or four times, four times
 13 before surgery.
 14 Q Was that during the same time you
 15 were seeing Dr. Villafuerte, or sometime
 16 after?
 17 A About the same time.
 18 Q What did Dr. Babo do for you?
 19 A Dr. Babo, he went over the records
 20 and he told me that my injuries, I have to
 21 wait almost two months. He described the
 22 pinch, it all came in before the time. He
 23 gave me time of two months. All the pain and
 24 numbness on my leg would go away for half
 25

JAGUAR REPORTING
(718) 858-7700

Page 56

FROMETA

1 hour, or 10 minutes. I would not feel it, I
 2 would not walk. He said as soon as you feel
 3 that, meaning you will need surgery. You
 4 don't have to do it because it's your
 5 decision. We are telling you if you don't
 6 you are going to have like no leg.
 7 MR. MILLER: I move to
 8 strike the entire portion of the
 9 answer as not responsive.
 10 Q Ma'am, I am not asking about
 11 conversations you had with Dr. Babo. Did
 12 you ever receive treatment with Dr. Babo?
 13 What did he do for you?
 14 A Treatment.
 15 Q I want you to tell me only the
 16 treatment, not conversations you had with
 17 Dr. Babo?
 18 A He operated on my lower back.
 19 Q When did he operate on your lower
 20 back?
 21 A The lumbar disc.
 22 Q Not where, when?
 23 A May 17th.
 24 Q Where was this surgery held?
 25

JAGUAR REPORTING
(718) 858-7700

Page 57

FROMETA

1
2 A Cabrini Hospital.
3 Q Is Dr. Babo affiliated with
4 Cabrini Hospital?
5 A I hope so, I think so.
6 Q Did you see any other medical care
7 providers or doctors with regard to the
8 treatment on your back?
9 A Yes, Dr. David.
10 Q Is that Andrew Davy?
11 A Yes. I didn't go to the medical
12 center on 43rd Street anymore. I changed to
13 the one closer to my home, to my mom.
14 Q Where is that?
15 A Westchester, it's in the Bronx, on
16 Westchester Avenue.
17 Q 3262, Ranga Krishna?
18 A Yes, that's where I changed after.
19 Q Were you seeing Dr. Krishna before
20 or after surgery?
21 A Before surgery.
22 Q What kind of doctor is Dr.
23 Krishna?
24 A Neurologist.
25 Q What did Dr. Krishna do for you?

JAGUAR REPORTING
(718) 858-7700

Page 58

FROMETA

1
2 A He checked, look at my X-rays and
3 MRI and he just basically told me what might
4 be going on in the future for me. He
5 recommended me to Dr. David.
6 Q You keep saying Dr. David, is this
7 Dr. Davy?
8 A Dr. Davy.
9 Q What kind of doctor is Dr. Davy?
10 A He is a neurologist.
11 Q Did you see Dr. Davy before or
12 after surgery?
13 A Before lower back surgery.
14 Q Did you see Dr. Davy at any time
15 after surgery?
16 A Yes.
17 Q What did you see him for, after
18 surgery?
19 A Dr. Davy after the surgery for
20 neck injection and painkiller injection and
21 electro, something very painful. He put four
22 needles on one side, six on the other side
23 and it's over seven days, and then you have
24 to stay three months then do it again. This
25 is what I needed, otherwise I feel like

JAGUAR REPORTING
(718) 858-7700

Page 59

FROMETA

1
2 electricity running from the spinal cord
3 going to where the nerves are. They inject
4 also the spinal cord. That liquid run in
5 the spinal cord. The entire lower back
6 turning into something very hard. That is
7 a year, do and re-do for the rest of my
8 life, otherwise I will not be able to walk
9 correctly. That procedure last about 40
10 minutes.
11 MR. MILLER: Let's take a
12 break.
13 (Whereupon, a brief recess
14 was taken.)
15 Q Did there come a time that you had
16 surgery?
17 A Sorry.
18 Q Did there come a time you had
19 surgery?
20 A After the accident?
21 Q Yes.
22 A Yes.
23 Q Did the surgery take place on May
24 17th 2007?
25 A Yes.

JAGUAR REPORTING
(718) 858-7700

Page 60

FROMETA

1
2 Q Did Dr. Babo perform the surgery
3 at Cabrini Medical Center?
4 A Yes.
5 Q Do you know the kind of surgery
6 you had?
7 A I don't know the name. He told me
8 before, I forget, it's a fancy word. Lumber
9 back surgery, he kind of cut something
10 there, a bone or something.
11 Q Were you admitted into the
12 hospital?
13 A Yes.
14 Q Did you spend the night?
15 A Two days.
16 Q Have you been admitted back into
17 the hospital for any reason, since the
18 surgery?
19 A No, sir.
20 Q Do you have any plans for any
21 future surgery?
22 A Well, no. Yes, they still have to
23 do the compression of the disc (indicating).
24 MR. PLATTA: Indicating the
25 neck.

JAGUAR REPORTING
(718) 858-7700

Page 61

FROMETA

WITNESS: The neck and

spinal cord. They have to refill that every year and a half or 2 years or then I am not able to walk. They have to do the lower back also, whenever it starts bothering me. Only when the leg does not work anymore I will have to go back.

Q Were you given any tickets with regard to this accident?

A No.

Q Did you have a driver's license in good standing?

A Yes.

Q What kind of driver's license was it?

A A regular driver's license.

Q Was it issued by New York State?

A New York State.

Q Did you have any restrictions on the license?

A No.

Q Did you wear glasses?

A Now I do, after the accident for reading or driving at night.

JAGUAR REPORTING
(718) 858-7700

Page 62

FROMETA

Q Are you aware whether your blood alcohol level was tested while you were in the emergency room at Cabrini Hospital, on February 14th 2007?

MR. PLATTA: Objection.

A I don't know.

Q Other than Cabrini Hospital, Dr. Villatuerte, Dr. Babo, Dr. Davy, Dr. Krishna, Westchester Medical, Stand Up MRI, is there any other healthcare providers?

A Those are the ones that I recall right now.

Q Do you have anything at home that might refresh your recollection whether you saw anyone else?

A No.

Q Is Dr. Krishna at 3262 Westchester Avenue associated with Westchester Medical Care P.C?

A Yes, sir.

Q Had you ever injured your back and neck, prior to February 2007?

A No, sir.

Q Had you ever been in a car

JAGUAR REPORTING
(718) 858-7700

Page 63

FROMETA

accident, prior to February 14, 2007?

MR. PLATTA: Objection.

A Yes, when I was in a car accident that was in LA. I was with my mom and sister. We were driving back where I used to live in Vegas before, it was rush hour. We are driving and the car in front of me -- everyone was driving close, it's very congested in LA. Everyone stop and I saw that and but I stop but the car in front of me stop too quickly, a small little red car with a Oriental older gentleman, a very old gentleman. I hit him.

Q Were you injured?

A No.

Q Other than that, were you involved in any other automobile accident, prior to February 14th 2007?

MR. PLATTA: Objection.

A I do not recall that. Someone hit me. I was leaving a parking lot, a diner in New Jersey. I looked behind me. I put the car in reverse. I keep looking going slowly. A large SUV just ran in my

JAGUAR REPORTING
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Page 64

FROMETA

headlight. Only the light on the back and he just took a headlight. The light still worked. He just took part of the material going over the light.

Q Were you injured?

A No, sir.

Q When did this happen?

A That happened I guess in maybe August, I think in August.

Q What year?

A This year, the police came over and he said, your car, put your car back.

MR. PLATTA: There is no question.

WITNESS: Sorry.

Q Did you report the accident to your insurance company?

A No, there was no need.

Q Were you involved in an accident on March 8th 2007?

A No, that's probably the one I am talking about. But I don't recall if it's the one in New Jersey. That was the car that hit the light on the back.

JAGUAR REPORTING
(718) 858-7700

Page 65

FROMETA

1
2 Q What kind of car?
3 A Sorry?
4 Q What kind of car struck you?
5 A It looked like a large SUV. I
6 don't remember.
7 Q What kind of car were you driving?
8 A My car.
9 Q What is your Social Security
10 number?
11 A 058-68-6478.
12 Q So the record is clear. Do you
13 have any recollection of being in an
14 automobile incident on March 8th 2007?
15 A That was probably the one.
16 MR. PLATTA: Yes or no?
17 WITNESS: The one in New
18 Jersey, yes.
19 Q That New Jersey accident happened
20 in Englewood?
21 A Yes, sir, that's the one.
22 Q That accident happened in July
23 2007?
24 A July.
25 Q That accident happened July 29,

JAGUAR REPORTING
(718) 858-7700

Page 66

FROMETA

1
2 2007?
3 A Yes.
4 Q Are you aware of an accident that
5 occurred on March 8, 2007?
6 A No.
7 Q You never were in an accident
8 involving another vehicle that was a Hyundai
9 Sonata?
10 A No.
11 MR. PLATTA: Can we take a
12 break?
13 MR. MILLER: Sure.
14 Q Was your vehicle involved in an
15 incident on March 8th 2007?
16 A The vehicle was, I was at home
17 asleep.
18 Q Where was the vehicle?
19 A Three blocks away from my mom.
20 Q Was it parked?
21 A It was parked.
22 Q Was it unoccupied?
23 A No people were inside.
24 Q Did someone strike your vehicle?
25 A It seems like that because I

JAGUAR REPORTING
(718) 858-7700

Page 67

FROMETA

1
2 didn't see it.
3 Q Did you file a claim?
4 A No, I didn't have money to file a
5 claim.
6 Q Did you report it to your
7 insurance carrier?
8 A I called them to let them know and
9 they tell me to bring it over. They gave me
10 the address to get it fixed and everything.
11 And they asked me for \$500.00 and I didn't
12 have it, that's why I did not take it.
13 Q Are you currently going for any
14 physical therapy?
15 A Yes, sir.
16 Q Where are you going for physical
17 therapy?
18 A On Westchester, in the Bronx.
19 Q What frequency are you going?
20 A Three days a week.
21 Q Who prescribed this for you?
22 A Dr. Krishna.
23 Q How do you feel as you sit here
24 today?
25 A Sorry?

JAGUAR REPORTING
(718) 858-7700

Page 68

FROMETA

1
2 Q How do you feel?
3 A From one to ten one is good ten is
4 bad. I say a nine, my neck, my lower back.
5 Q You testified earlier that you
6 currently are not working. What do you do
7 during the day?
8 A I just go to therapy. I do my
9 walking maybe two or three blocks. I go to a
10 bookstore and I read.
11 MR. MILLER: Let's take a
12 break.
13 (Whereupon, a brief recess
14 was taken.)
15 Q Ma'am, did you take any medication
16 or drugs prior to coming here to testify
17 today?
18 A Today, no.
19 Q Is there any medications that were
20 prescribed to you to take that you chose not
21 to take, before coming here today?
22 A They prescribe medication that is
23 too expensive, I didn't have the money.
24 Today I have migrans but I only use it at
25 night to go to sleep.

JAGUAR REPORTING
(718) 858-7700

Page 69

FROMETA

1 Q Is there any medication, anything
2 you are taking recently that affects your
3 ability to testify today truthfully?

4 A No.

5 Q In the 24 hours prior to the
6 February 14, 2007 incident, had you taken
7 any prescribed medicines?

8 A No, only for one the back, they
9 prescribe but then didn't want to pay, the
10 insurance.

11 Q I will clarify my question.

12 Listen to my question. February 14th, back
13 at the time of the accident, 24 hours prior
14 to that. During the 24 hour period prior to
15 this accident, was there any medication
16 that you were prescribed?

17 A No.

18 Q That was prescribed that you took?

19 A No.

20 Q Were there any medicines or
21 prescriptions that you were supposed to have
22 taken where you failed to take, 24 hours
23 prior to the February 14, 2007 accident?

24 A No.

JAGUAR REPORTING
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Page 70

FROMETA

1 Q Other than the healthcare
2 providers you testified about today, are
3 there any other healthcare providers that
4 you seen?

5 A No, sir.

6 Q Do you know when your neck
7 surgical procedure is scheduled for?

8 A It's supposed to be about three or
9 four weeks from now.

10 MR. MILLER: I note on the
11 record, I reserve out right for
12 further testimony with regard to any
13 post care follow-up pertaining to the
14 second surgery.

15 Q Ma'am, did you ever have an
16 opportunity to review the police report?

17 A I did, yes.

18 Q When did you first see the police
19 report?

20 A When I first got it.

21 Q Who gave it to you?

22 A The police department.

23 Q Did you read the description under
24 the officer's notes?

JAGUAR REPORTING
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Page 71

FROMETA

1 A I looked at it, it's hard to
2 understand for me. It's not my job. I am
3 not a police officer.

4 Q How many lanes of traffic go east
5 on 23rd Street?

6 A There is three lanes, one for
7 parking and two for going east.

8 Q Is that the same on the west, side
9 there is one lane for parking and two going
10 west?

11 A Yes.

12 Q There is a total of six lanes
13 across the entire street?

14 A Yes.

15 Q Do you recall looking at the
16 accident diagram on the police report?

17 A Sorry?

18 Q Do you recall looking at the
19 accident diagram on the police report?

20 A It looks familiar but I don't
21 know.

22 MR. PLATTA: Yes or no,
23 did you look at it when you reviewed
24 the police report?

JAGUAR REPORTING
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Page 72

FROMETA

1 WITNESS: I looked at it,
2 yes.

3 Q Did you ever file a revised police
4 report or MV104?

5 A I don't know what that is, sorry.

6 (Continued on next page to
7 include jurat.)

JAGUAR REPORTING
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Page 73

FROMETA

Q Did you file any documents with the police department, after the accident?

A I don't remember.

Q Did you ever have an opportunity to speak to the driver of the other vehicle, since February 14th 2007?

A No.

MR. MILLER: I have no further questions.

-o-o-

(Whereupon, the deposition of Adonna Frometa was concluded at 12:05 p.m.)

ADONNA FROMETA

Subscribed and sworn to before me this day of , 2007.

Notary Public

JAGUAR REPORTING
(718) 858-7700

Page 74

I N D E X

WITNESS	EXAMINATION BY	PAGE
Adonna Frometa	Mr. Miller	4

EXHIBITS

NONE

INFORMATION REQUESTED

DESCRIPTION	PAGE	LINE
Authorizations for medical records from Dr. Villatuerte	48	9
Excel Air pay stubs & employment records regarding plaintiff's schedule	51	14
Reserve right to further testimony regarding post care follow-up for second surgery	70	11

JAGUAR REPORTING
(718) 858-7700

Page 75

C E R T I F I C A T E

STATE OF NEW YORK)

: SS:

COUNTY OF QUEENS)

I, NANCY NASCA, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That ADONNA FROMETA, the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December 2007.

Nancy Nasca
NANCY NASCA

JAGUAR REPORTING
(718) 858-7700

Page 1

ability 69:4	32:23	basis 11:21	43:15,21 45:3	company 64:18
able 29:10 59:8 61:5	apartments 7:22 9:10	began 33:8	called 15:19,21 36:20	compensated 51:6
above-entitled 1:14	appointment 52:25	begun 35:3	36:21 37:4 42:25	complete 4:20
accident 8:9 14:15 15:3	approximate 18:12	believe 29:19 30:3	43:3,4,6 67:8	compression 54:6,8
47:3,6 50:7 59:20	53:3	belt 47:4	capacity 15:5	60:23
61:10,24 63:2,4,18	Arden 53:11	big 29:7 41:3	car 11:11,13 27:5,9,11	concluded 73:13
64:17,20 65:19,22,25	arrival 32:16	birth 10:3	27:16 28:21,23 29:7	conditions 30:23
66:4,7 69:14,16,24	arrive 36:25 39:20,22	bit 24:23 25:15 31:4	62:25 63:4,8,11,12	confused 45:10
71:17,20 73:3	39:24	black 29:11 39:5	63:24 64:13,13,24	congested 63:10
accompany 45:9	arrived 20:8 23:12	blackened 18:2	65:2,4,7,8	consciousness 36:22
accurate 29:25 30:4	24:8 30:24 31:21	blackening 38:6	card 47:17	constantly 30:8
aches 14:16	33:2 39:14 41:13	blackout 42:23	care 8:5,7,8 57:6 62:20	contact 51:4
action 1:15 75:17	50:17	blinker 27:17,20 28:2	70:14 74:16	continued 49:10 72:7
address 4:12 7:10 8:20	arriving 33:6 39:18	28:24	car 43:19	contractor 12:25 13:3
48:23 50:24 51:4,17	Asian 39:5	block 12:6 25:16 28:20	cars 28:14	contradiction 32:7,9
67:10	asked 22:23 38:3 49:7	28:22	cast 31:19	conversations 56:12,17
addresses 9:18	49:16 67:11	blocks 66:19 68:9	CAT 41:19,20 46:9,16	copies 48:12
administer 3:16	asking 35:14 38:6,7	blood 62:2 75:18	cell 43:20	copy 51:15
admitted 41:24 42:4	56:11	body 37:16 41:22	center 46:23 57:12	cord 46:10 54:21 59:2
60:11,16	asleep 66:17	bone 60:10	60:3	59:4,5 61:3
Adonna 1:3,13 4:11	assisted 40:4	bookstore 68:10	certain 7:15	corporate 51:17
73:13,17 74:4 75:11	associated 62:19	born 11:3,4	certify 75:10,16	correct 8:22 34:15
adult 13:23	assume 5:5	bothering 61:6	changed 5:15 10:25	44:20
advised 33:22	attendance 51:23	brace 46:19	29:2 57:12,18	corrected 48:22
advisement 30:13	attendant 15:18 17:5	break 33:15 59:12	check 51:8,9	correctly 59:9
advising 43:22	17:15	66:12 68:12	checked 58:2	counsel 29:23 30:3,7
affiliated 57:3	attorneys 2:4,9 3:8	Bridge 35:20 36:10	chose 68:20	counsel's 47:18
age 11:9	August 64:10,10	42:15	citizen 5:18,20	COUNTY 75:6
aggravating 19:6	aug 7:9 8:4,9,25 30:19	brief 33:19 59:13 68:13	citizenship 5:15 11:8	course 21:11
ago 10:6,10	30:21 34:10 42:14	bring 67:9	city 11:23	COURT 1:1
agree 51:22	43:3 48:4	Broadway 2:5 13:12	claim 67:3,5	credibility 30:6
AGREED 3:7,13,21	aunt's 9:6 35:19	23:18,20 24:23 27:19	clarify 35:22 36:3,4	cross 34:21
ahead 28:22	authorizations 48:11	27:19,21,22 33:7	69:12	currently 7:21 9:10,23
Air 15:18,25 16:4 17:5	48:18 51:18 74:11	Bronx 4:15 57:15	clean 27:4,7,9	11:11 14:7,9 15:24
17:8 50:21,25 51:7	authorized 3:15	67:18	clear 8:24 22:16 31:10	67:13 68:6
51:15 74:13	automatic 23:4,6	Brooklyn 7:8,12,23 8:2	65:12	customary 21:2
Albert 6:19,22 47:13	automobile 63:18	8:13 30:19 35:19	client 34:3 44:19	customers 21:2,20
alcohol 20:21 22:21	65:14	36:10 42:15	close 17:23 63:9	cut 37:19 60:9
62:3	Avenue 8:10,12,18 9:2	brother 10:20	closed 20:16 25:24 26:3	
ambulance 39:20,22,24	9:12 12:15 27:24,24	brother's 5:14	26:6,11,13	
40:10,12 41:5	28:5,15,17,19 52:18	brought 16:12	closer 24:23 30:20	
62:3	54:25 57:16 62:19	brush 27:10,11	42:14 57:13	
ambulance 39:20,22,24	aware 62:2 66:4	business 21:11 47:17	club 19:19,22 20:2,7,15	
40:10,12 41:5	a.m. 1:11 19:22 26:5,7	buy 21:21	20:24 21:5,9,15,19	
American 1:6 4:18			22:12 23:13,24 24:17	
Andrew 57:10			24:21 25:4,9,20	
Annie 5:13,13,14,16			27:15 30:25 32:17	
6:15,16,24 10:18,19			33:3,7,24 34:9 43:16	
10:20,21,24,24,25			43:20,22 44:4,11,22	
answer 5:5 12:24 13:5			44:25 49:11 50:18	
13:17,21,25 14:5,13			cocktail 22:9	
15:22 16:25 18:7,18			code 7:17,19 8:14,16	
19:12,18 22:3,14			8:17,22	
29:14 37:20,23 44:7			coffee 43:14	
51:11 56:10			colloquy 46:2	
answered 22:23 49:7			color 28:11	
49:16			come 38:19 45:11	
anybody 42:21 43:2			46:11 59:15,18	
anyone 7:23 55:7			coming 19:4 32:19 45:4	
57:12 61:7			68:16,21	
apartment 4:14 74:13				

Page 2

43:25 47:11 73:20
50:12 68:7 73:20
75:21
days 9:14,15,16 44:2
46:24 47:2,3,4 49:3
49:17,20 50:14 52:8
58:23 60:15 67:20
dazed 45:10
December 11:71 75:21
decision 56:6
Defendant 1:15
Defendants 17:2,9
demand 48:11
department 70:23
deposition 3:10,14,18
30:11 73:12,15,12,13
describe 26:21 40:23
described 55:22
description 70:24
74:10
device 46:19
diagnoses 45:19
diagnostic 41:7,21
diagram 71:17,20
Diaz-Diaz 1:6 4:18
DICKER 2:9
different 15:9 54:12
diner 63:22
direction 36:7
directly 24:20 34:10,12
disc 54:9 56:22 60:23
discharge 46:12
disclosure 48:14
discussion 10:11 33:12
35:16
DISTRICT 1:2
divorced 9:25 10:9
10:13
doctor 47:14 53:14,16
57:22 58:9
doctors 57:54 18:
57:7
documents 73:2
dog 10:25
Dominican 11:4 39:6
door 37:11 38:17,25
double-parked 28:21
28:23
Dr 47:13,14,23 48:2,5
48:13 49:4 52:22
53:10,14,17 52:22 54:10
54:11,14,17,17,20
54:20,23 55:3,4,7,9
55:12,16,19,20
56:12,13,18 57:3,9
57:19,22,25 58:5,6,7
58:8,9,11,14,19 60:2
58:9,9,9,18 67:22
74:12
drink 20:21 22:20
drinks 21:3,9,16,21,25

driver 37:7 38:4,7 73:6
driver's 6:12,15,17
driving 30:18 61:25
63:6,8,9 65:7
drugs 68:16
due 14:16
duly 4:3 75:13

E
e 1:6 2:2,2 4:2 5:17
18:2 74:1 75:2,2
earlier 49:9 50:6 68:5
earned 15:15
earnings 51:9
east 19:20 4:14 5:24
7:11 8:20 9:7,11 12:4
12:11 25:16,17 33:5
34:19,19,20 35:11,18
36:6 53:11 71:5,8
EDELMAN 2:8
effect 3:17
elapsed 39:15
electricity 59:2
electro 58:21
Elser 2:8 4:17
emergency 41:10,18
42:4 45:15,21 46:4
46:13,16,17 62:4
employed 12:20 15:4
employment 17:17
51:24 74:13
encourage 21:15
encouraged 21:19
Eaglewood 65:20
English 39:5
entire 20:14 29:14
37:22 56:9 59:5
71:14
ESQ 2:6,11
established 26:13
establishment 13:15,23
19:16 25:24 26:3,6
26:11
Eva 9:3 30:21,22
Eva's 34:10
evening 12:22
events 29:21
examination 1:13 4:7
45:20 52:7 74:3
examined 4:5
Excel 15:18,24 16:4
17:5,8 50:21,24 51:6
51:15 74:13
EXHIBITS 74:6
expensive 68:23
extremely 29:9
ex-husband 10:16
eyes 17:24,25
eyewitness 40:15

F
F 4:2 75:2
Fabian 6:7
fact 38:13
fact 38:13,19,20
facing 38:13
failed 69:23
fair 57:9 10:5,8 27:3
52:2
familiar 71:21
family 60:2
FEDR 35:20 36:6,7,12
February 11:7,20
18:13,13,16,21 17:3
17:18,16,20 18:15,16
19:10 20:7,16,22,22
22:6,6,10,11,19,20
23:18,13,23 24:8 25:4
25:20 26:18 30:24
42:10,17 45:7 48:6
49:3,21 62:5,23 63:2
63:19 69:7,13,24
73:7
feel 34:2 56:2,3 58:25
67:23 68:2
felt 37:17 38:5,5 45:10
Fifth 13:13 23:19,21
27:23,24
file 2:13 67:3,4 72:4
73:3
filling 3:10
films 41:21
finally 15:19
fired 12:17,10,14
Flee 33:18
flush 8:18
flushed 23:22
first 4:3 6:27 24:7 32:4
42:23 49:24 54:6,25
70:19,21
five 47:23 49:20 52:10
52:24 53:4
25:20 27:14 30:25
32:17 33:2,7 24:34,9
43:16,22 44:4,11,22
44:25 49:11 50:18
gestures 4:24
give 4:21 7:10 29:23
52:25
given 47:2 61:9 75:14
giving 54:9
Gladys 9:8 30:21
glass 61:23
go 30:15 34:9 35:19
42:10,12,13,16 44:6
47:8,10,23 49:14
50:10,11,12 52:22
54:8 55:25 57:11
61:8 68:8,9,23 71:5
going 4:19 6:5 18:16
19:3 20:8,22 22:6,10
four 9:15,16 14:15

15:11 16:17,21 25:12
44:2 49:11 50:7
52:25 53:4 55:13,13
58:21 70:10
free-lance 50:12
free-lancing 50:9
frequency 67:19
Frometta 13:14 41:11
5:1 6:1 7:1 8:1 9:1
10:1 11:1 12:1 13:1
14:1 15:1 16:1 17:1
18:1 19:1 20:1 21:1
22:1 23:1 24:1 25:1
26:1 27:1 28:1 29:1
30:1 31:1 32:1 33:1
34:1 35:1 36:1 37:1
38:1 39:1 40:1 41:1
42:1 43:1 44:1 45:1
46:1 47:1 48:1 49:1
50:1 51:1 52:1 53:1
54:1 55:1 56:1 57:1
58:1 59:1 60:1 61:1
62:1 63:1 64:1 65:1
66:1 67:1 68:1 69:1
70:1 71:1 72:1 73:1
73:13,17 74:4 75:11
front 63:8,11
full 19:15
further 3:13,21 70:13
73:3
future 58:4 60:21

G
garage 12:17
garbage 28:11,12
gentleman 63:13,14
Gentlemen's 19:19,21
20:2,7,15,24 21:5,9
21:15,19 22:12 23:13
23:24 24:17,21 25:3
25:20 27:14 30:25
32:17 33:2,7 24:34,9
43:16,22 44:4,11,22
44:25 49:11 50:18
gestures 4:24
give 4:21 7:10 29:23
52:25
given 47:2 61:9 75:14
giving 54:9
Gladys 9:8 30:21
glass 61:23
go 30:15 34:9 35:19
42:10,12,13,16 44:6
47:8,10,23 49:14
50:10,11,12 52:22
54:8 55:25 57:11
61:8 68:8,9,23 71:5
going 4:19 6:5 18:16
19:3 20:8,22 22:6,10
four 9:15,16 14:15

27:20 22:22,23,25
28:2,8,9,12,16,18
29:23 31:1,11,22 34:11
34:20,24 35:11,18,22
37:26 39:19 43:10
42:5 48:9,10 52:12
54:2,5 56:7 58:4 59:3
63:24 64:6 65:13,16
67:19 71:8,10
good 61:13 68:3
green 26:23
ground 26:22
guess 5:2 64:9
guy 38:16
guy 28:11
half 6:23 28:22 55:25
hand 75:21
happen 17:19 52:12
64:8
happened 17:23 29:6
29:21 37:13 45:5
64:6 65:9 22:25
happy 44:12
hard 29:10 59:6 71:2
Haulers 1:6 4:18
headed 36:8
headlight 64:23
healthcare 54:15,18
62:11 70:24
heard 29:6
have 26:25 31:2
hit 1:16 10:12 33:13
35:17 56:25
hello 37:14
hereinbefore 75:12
hereunto 75:20
Highway 35:10,12
Hill 29:8,9,11 38:10
63:14,21 64:25
holding 4:1
home 11:23 12:2 31:10
37:10 42:3,10,12,16
45:6 46:7,18 49:14
49:23 51:3 57:13
62:14 66:16
home 11:23 12:2 31:10
37:10 42:3,10,12,16
45:6 46:7,18 49:14
49:23 51:3 57:13
62:14 66:16
hope 57:2
hospital 41:6,8,25 42:5
42:17 49:15 72:1
37:24 60:17 12:62 64:
62:8
hours 14:16 49:13
50:11 69:6,14,23
house 34:1
hurt 37:17
hurts 45:21
Hyundai 66:8

Page 3

Ice 26:19
identities 40:13
identity 38:20 51:17
III 8:8
images 41:21
immediately 26:15,16
42:20,22
impact 34:14 42:20,22
inch 26:22
inches 26:22
incident 16:11,16,22
17:9,19 18:9,15 19:3
25:7 27:15 30:17
35:2 36:8 20 40:16
43:13,17 47:11 48:7
50:22 52:8 65:14
66:15 69:7
include 72:8
including 34:4
income 15:15
independent 12:25
13:3
indicating 60:23,24
information 15:23
46:14 48:15 51:4
74:9
initial 52:7
injection 54:6 58:20,20
injured 46:4,7 62:22
63:15 64:6
injuries 54:22 55:21
inpatient 42:5,8
inside 27:8 29:7 41:4
66:22
insurance 64:18 67:7
69:11
intend 30:15
intention 34:8
interested 75:19
interpreter 33:17
involved 63:17 64:20
66:14
involving 66:8
Island 51:2
issue 30:6
issued 61:18

J
JAGUAR 1:24
Jersey 63:23 64:24
65:18,19
jet 15:17
July 65:22,24,25
Jurat 72:8
K
Kaiser 10:11,11
53:17,22 54:10,14,17

54:20 55:4,7,10
keep 12:4 28:16 34:24
50:13 52:10 58:6
63:24
kept 43:8
kills 4:6
kind 13:2 39:7 47:14
53:14 57:22 58:9
60:5,9 61:15 65:2,4,7
knew 31:12
knocking 37:10,11
38:17
know 5:2 13:17 17:23
18:9 22:25 27:3
29:8 36:19 37:5
38:15,17,23 40:8,15
40:22,22,25 41:13,20
42:18 45:14 46:15
49:24 50:24 60:5,7
62:7 67:8 70:7 71:22
72:6
known 5:9
Krishna 57:17,19,23
57:25 62:10,18 67:22

L
L 13:4 8:12
LA 63:5,10
ladies 40:6,7 41:2
lane 28:4,4,7,9,13,17
28:21 71:10
lanes 71:5,7,13
learn 38:19
large 63:25 65:5
law suit 16:12
lawyer 4:17
laying 53:19
leading 27:15
learn 45:23
learn 38:19
learned 10:23
31:10 32:2,3 34:9
leave 26:15,16 50:11
leaving 33:5 63:22
left 4:23 17:22 25:19
27:14,20,24 28:25
31:10 32:2,3 34:9
45:14 46:22 48:15
leg 55:25 56:7 61:7
Leg's 44:8 59:11 68:11
level 62:3
levels 26:22
Lexington 28:19 34:18
lexington 34:18
license 61:12,15,17,21
life 59:8
light 28:2,5,16 29:2,7
47:7 48:11,12,18,20
49:2 57:6,11 60:3
62:10,19 74:11
medication 68:15,22
69:2,16
medications 68:19

little 24:3 25:15 31:4
63:12
live 6:3 7:8,21 63:7
lived 7:25 83:4
lives 30:20
LIVE 24:6
location 19:2
located 13:11 48:23
location 12:17 16:19
long 5:23 7:3 16:6 19:5
25:2,7 32:15 47:23
51:2
longer 14:16
look 29:8 39:2 47:16
58:2 71:24
looked 28:23 41:3
63:23 65:5 71:2 72:2
looking 63:24 71:16,19
looks 71:21
loss 46:22
lost 51:19
lot 63:22
loud 29:6
love 46:8 54:21 56:19
56:20 58:13 59:5
61:5 68:4
lumber 54:21 56:22
Lumber 60:8
M
M 4:2 8:12
Madison 28:5,10 40:21
48:25
maintain 51:9
man 38:16,20,22
management 21:14,20
21:24
manager 44:24
Manhattan 52:20
March 64:21 65:14
66:15
Mario 1:6 4:17
marriage 75:18
married 9:21,22,23
68:10
material 64:4
matter 17:11 75:19
Ma'am 22:19 30:14
31:7 34:13 44:21
56:11 68:15 70:16
mean 11:22 15:20
meaning 56:4
mean 42:2
medical 46:19,22,23
47:7 48:11,12,18,20
49:2 57:6,11 60:3
62:10,19 74:11
medication 68:15,22
69:2,16
medications 68:19

medicines 69:8,21
memory 47:21
mentally 8:7,8
mention 10:22
meters 24:24
middle 28:4,7,9,13,17
28:20 20 46:10
Midtown 48:19
migrates 68:24
miles 28:8
Miller 2:11 4:8,16 10:8
11:24 14:17 18:4,20
18:25 29:13,22 37:16
31:15 32:3 33:14
34:6 35:24 37:21
38:11 44:6,12,17
45:25 48:9,21 51:14
52:2,5 56:8 59:11
66:13 68:11 70:11
73:9 74:4
minutes 36:24 39:16
56:2 59:10
mirror 28:24
missing 17:24 18:2
mom 63:7,24 84:6
9:13,17 30:20 36:18
43:4,5 57:13 63:2
66:19
money 67:4 68:23
month 17:12
monthly 12:17
move 1:15 14:17 18:4
55:22,24 58:24
morning 31:13
MOSKOWITZ 2:8
mother 6:17 7:7 36:19
43:6
mother's 6:4 32:21,23
move 1:15 14:17 18:4
March 64:21 65:14
31:15 33:25 37:21
44:8 45:25 56:8
moving 7:8
MRI 52:13,14,19 54:3
58:10
my 16:20,24 14:4
14:12,22 16:24,25
MYRTLE 8:19,9,12,12
12:15
N
N 2:2 3:4 4:2 5:17,17
74:1
name 4:9,16 51:0,12,13
51:4,15 64:6,7,8,14
52:5 54:11,12,13
13:18 19:15 33:23
34:2,4 48:15 60:7
named 10:21 24:24
10:25
NANCY 1:17 75:8,23

NASCA 1:17 75:8,23
near 3:37
neck 37:16,17 45:23
46:8,18 47:22 53:16
54:4,7 58:20 60:25
61:2 62:23 68:4 70:7
need 56:4 64:19
needed 58:25
needle 53:19,20
needles 58:22
nephew 6:19
nerves 59:3
neurologist 47:22
new 47:24 58:10
never 66:7
New 1:2,10,10,18 2:5,5
2:10,10,45,15 7:12
8:13 61:18,19 63:23
64:24 65:17,19 75:4
75:10
news 31:11,19
night 18:15 29:21 30:3
60:14 61:25 68:25
nine 46:24 47:2,3,6,11
49:3 52:8 68:4
node 4:24
noise 39:6
noon 45:17
north 24:15 36:11
Notary 1:17 4:4 73:22
75:9
note 44:9,13 70:11
noticed 34:7 46:6
notes 70:25
note 28:11
number 28:18
number 6:17 7:13 36:14
36:17 65:10
numbness 55:25
Nydia 65:6,7

Page 4

30:15,17 36:9 66:5
oddy 48:15
offer 30:15 71:4
officer's 70:25
old 6:22 63:13
older 6:24 63:13
once 50:10 53:5,5
ones 62:12
open 17:24,25
operate 56:20
operated 56:19
opportunity 17:70 73:5
Orlando 63:13
outcome 75:19
owner 13:14
o'clock 17:22 19:14
26:12 33:17
ofo 73:11

P
P 2:2 3:4
page 72:7 74:3,10
pain 38:5 54:7 55:24
painful 58:21
pains 58:20
pains 14:16
paper 54:3
park 11:20 23:7,14
28:15,17,19 48:25
parked 23:17,25 24:7
24:11,14 25:13 66:20
66:21
parking 12:7,8,10,14
12:18 63:22 71:8,10
part 41:22 48:14 64:4
parties 3:9 75:17
passed 40:20
passengers 25:18
passing 28:10 40:21
patrons 20:3 21:10,16
pay 69:10 74:13
paycheck 51:16
payments 15:5
PC 48:18
people 66:23
perform 60:2
period 69:15
permission 47:19
pertaining 70:14
phone 36:14 43:8,9,20
physical 67:14,16
pick 43:3,4
pin 22:17
pines 55:23
place 1:16 13:18 59:23
plaintiff 1:4,14 2:4 4:2
19:2
plaintiffs 48:19 74:14
planning 30:18
plans 60:20

PLATTA 2:4,6 10:7
11:22 12:23 13:4,10
13:16,20,24 14:4,12
14:22 15:22 16:24
18:7,11,17,22 19:11
19:17,23 20:4,9,12
20:17 21:17,12,17
21:22 22:12,22
24:18 25:19 29:15
29:19 30:5,12 31:24
32:8 33:10,16,18,21
35:13,21 36:2 38:9
40:9 43:18,24 44:5,9
44:15,20 47:20 48:17
49:6,15,18 50:2
50:15 63:23 60:24
62:6 63:3,20 64:14
65:16 66:11 71:23
please 4:10,13
PLLC 2:4
point 12:18 37:14 54:7
poor 36:25 39:13,18
39:25 64:12 70:17,19
70:23 71:4,17,20,25
72:4 73:3
portion 33:25 37:22
56:9
portions 14:18 18:5
position 29:24 30:8
post 17:16 70:14 74:15
Practice 48:20
precipitation 27:2
prefer 47:20
prejudicial 18:23 19:8
prescribe 68:22 69:10
prescribed 67:21 68:20
69:8,17,19
prescriptions 69:22
present 30:23
preserving 18:23 34:5
prior 7:8 8:20 11:19
25:4,7 32:16 34:14
39:18 48:6 62:23
63:2,18 16:6 69:6
69:14,15,24
private 15:17,18 17:4
privileged 19:7
probably 14:14 46:24
50:3 51:12,12 64:22
65:15
problem 54:9
procedure 59:9 70:8
proceed 77:12,25
proceed 30:10
produce 30:10
proper 51:17
providing 51:15,23
plaintiffs 48:19 74:14
planning 30:18
plans 60:20

57:7 62:11 70:3,4
Public 11:7 44:7 73:22
75:9
punch 50:16
purchase 21:3,16
purchased 21:10,25
purpose 51:16,19,20
31:16 41:19
pursant 42:15
pursue 11:8
put 27:17,19 28:2,4
37:14 41:4 58:21
63:23 64:3
putting 28:12
P.C. 62:20
P.C. 19:22,24 25:25
26:4 73:13

QUEENS 75:6
question 4:21,25 5:3,4
5:5,6 18:22 17:2
23:11 29:16,17 31:20
37:20,24,25 38:3
42:6 44:8 49:16 64:15
69:12,13
questioning 19:7
questions 4:20 73:10
quickly 29:6 63:12

R
r 2:2 4:2 8:12 75:2
rain 26:20
Rainbow 54:23
ran 53:19 60:23 62:5
Ranga 57:17
read 29:15,18 37:23
38:2 54:3 68:10
70:24
reading 61:25
realized 37:4
realized 37:12
really 24:22
rear 40:18
reason 18:21 60:17
reason 15:17,18 17:4
28:21,23,24 31:2,6,8
31:20 32:5,12,15
61:14 44:24 45:19
62:12 63:21 64:23
71:16,19
recognition 56:13
receives 52:13
received 39:19 59:13
68:13
recognize 36:15
recognize 26:19 31:18
31:18 62:15 65:13
recommended 58:5
record 4:9,12 8:24

10:10,12 14:23 21:24
22:16 24:23 33:11,13
33:25 35:15,17 36:3
48:10,18 65:12 70:12
75:14
records 21:8 48:12
50:13,20 51:18,23,24
55:20 74:12,13
Recycling 1:6 4:19
red 27:25 28:5 29:3
34:14,17 63:12
37:14 41:4 58:21
63:23 64:3
referral 55:10
referred 48:2 53:10
54:20
refill 61:3
refresh 62:15
regard 33:23 57:7
61:10 70:13
regarding 51:23,24
74:13
regiment 11:21 21:11
61:17
related 75:16
remember 5:19 7:14
8:16 12:19 17:21,22
18:13 19:13 20:25
22:5 23:2 24:25
26:17 28:14 29:5,11
31:4,5 39:8,11 41:4
41:15,23 42:18,19
43:19 44:23 45:2,18
46:0 65:6 73:4
rent 6:2
repeat 15:8 25:5
report 64:17 67:6
70:17,20 71:7,20,25
72:5
reporter 29:18 38:2
75:8
REPORTING 1:24
represent 4:7
Republic 11:4
requested 29:17 37:25
74:9
reserve 70:12 74:15
reserved 3:23
reside 65:17 70:20
9:10
resided 5:23 7:3
residence 6:10,18
resides 8:25
respective 3:9
response 4:21 48:19
responses 4:22
response 14:19 18:6
29:14,20 31:16 37:23
56:10
resort 9:14 59:7
restrictions 61:20
result 43:13

Page 5

send 48:16 52:14,16
sense 54:4
sent 42:3
September 11:7
set 75:12,20
seven 49:7 58:23
shacking 37:15
shaking 37:15
shift 20:14,23 22:19
23:52
short 19:5 39:3
Shortband 75:8
show 19:25 47:16
shifting 10:18
shilling 10:21
side 24:11,13,15,16,19
35:10,12 58:22,22
58:12
sign 50:16
signed 3:14,17
sir 11:18 12:13 15:14
sister 61:25 72:9
51:12 48:8 60:19
62:21,24 64:7 65:21
67:15 70:6
sister 61:25 72:8
10:19 63:6
sister's 5:13
sit 67:23
six 58:22 71:13
SLAWEK 2:4,6
sleep 68:25
sleeping 37:12
slight 27:22
slightly 31:12 32:6,9,10
32:12,16,25
slowly 29:2 63:25
small 63:12

Page 6

65:17 72:2 74:3	20:22 22:6,10,18,20	40 59:9		
75:11,15,20	23:13 24:8 25:4	42 1:9 2:5,10		
woke 37:4,9,12	30:24	43rd 47:13 48:24 57:12		
word 60:8	14 6:23 11:17 16:16	433 8:10		
words 44:10	17:16,20 63:2 69:7	448 9:15		
work 13:2 15:5,13,17	69:24 74:13	48 74:11		
15:24 17:22 19:21	14th 11:20 16:13,22	488 8:10,18,25 9:11		
23:9,12 30:25 31:13	17:3,8 18:16 20:8,16	12:15		
31:22 32:20 45:5	20:22 22:7,11,18,20	5		
61:7	23:8,23 25:20 26:18	5 10:6,9,13 14:16 26:23		
worked 16:3,20 25:14	42:10,17 45:7 48:6	29:3,4 49:13		
26:10 51:21 64:4	49:3 62:5 63:19	51 53:11 74:13		
working 13:12 16:9	69:13 73:7	530 54:25		
18:14 21:4 40:10,11	15 28:8			
43:11 68:6	15th 49:21			
worse 26:19	150 1:9 2:10			
writing 30:13 52:4	17th 56:24 59:24	666 4:14 5:23 9:11 12:3		
	1752 7:11 9:7 12:11	33:5		
X	19th 41:9	7		
x 1:2,8 74:1	1927 2:5			
X-rays 58:2	1978 11:7	70 74:15		
		718 1:25 36:15		
Y		75th 52:17		
y 8:12	2 26:22 61:4	77th 52:17,17		
year 11:19 59:7 61:4	2:00 33:16			
64:11,12	20 28:6,8	8		
years 7:5 10:6,10,14	2001 11:15	8 50:11 66:5		
61:4	2003 5:25 7:7	8th 64:21 65:14 66:15		
York 1:2,10,10,18 2:5	2007 1:11 11:17,19	858-7700 1:25		
2:5,10,10 4:5,15 7:12	12:20 16:13,16 17:4	881-3716 36:15		
8:13 61:18,19 75:4	17:8,16,20 19:10			
75:10	20:7,16,23 22:7,11	9		
younger 6:24 7:2	23:8,13,23 24:8 25:4	9 7:11 74:11		
	25:20 26:18 49:22	9th 8:20 9:7 12:11		
Z	59:24 62:5,23 63:2	9:00 19:13,22		
zip 7:17,19 8:14,16,17	63:19 64:21 65:14,23	911 37:4 42:24,25		
8:22	66:2,5,15 69:7,24			
\$	73:7,21 75:21			
\$500.00 67:11	21 5:19 10:2 11:9			
0	23d 35:11			
01502.00009 2:13	23rd 27:25 28:3,4,9			
058-68-6478 65:11	34:17,19 35:8,23			
07-CV-6372 1:8	36:5 40:20 71:6			
1	233rd 4:14 5:24 9:11			
1 26:22	12:4 33:6			
1A 4:14	24 69:6,14,15,23			
10 7:5 39:16 56:2	25th 53:12			
10:25 1:11	26A 48:14			
10004 2:5	29 65:25			
10017 2:10				
10466 4:15	3 3/25 68 10:4			
11 74:15	30 28:6			
11205 7:19 8:15,17	3262 57:17 62:18			
12th 75:21	33rd 13:12 23:18,20			
12:00 45:16,17	25:16 27:17,18 33:7			
12:05 73:13				
13 20:7	4 1:11 49:13 74:4			
13th 18:15 19:10 20:8	4:00 17:22 25:24 26:3,6			
	26:12			